

KANSAS BOARD OF COSMETOLOGY

Members of the Kansas Board of Cosmetology

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Ron McKenzie, Olathe - Vice Chair
Randy Rushing, Topeka
Jerry E. Waltrip, Pittsburg
Darrel Ringler, Emporia

Mission Statement

The mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice.

Ten Things a KBOC Licensee Must Know

1. Infection control standards are practices to prevent the spread of disease through efforts to kill microbes. There are three levels of infection control: sanitation, disinfection and sterilization.
2. The first level of infection control is sanitation. Sanitation (cleaning) and disinfecting are not the same. Sanitation/cleaning means washing with soap and water to remove all visible debris.
3. The second level of infection control is disinfection. Disinfecting is the use of bleach or an EPA-registered disinfectant to destroy a broad spectrum of pathogens on implements. This ensures an implement is safe for use when providing consumer services. To ensure proper disinfection control practices, follow the manufacturer's instructions. K.A.R. 28-24-10
4. The third level of infection control is sterilization, this a process to kill all pathogens. This practice is required in the electrolysis, cosmetic tattoo, (permanent cosmetic) tattoo, and body piercing professions. K.A.R. 28-24-12 and K.A.R. 69-15-20
5. Blood borne pathogen disinfection standards must be followed at all times when there has been an injury resulting in contact with blood or body fluid. Blood spill procedures must be taken to protect the consumer and practitioner. All items or implements that have come in contact with blood or body fluids must be disinfected with bleach or an EPA-registered disinfectant that has "demonstrated bactericidal, fungicidal, virucidal and tuberculocidal activity." K.A.R. 28-24-10 and K.A.R. 28-24-11
6. Hands should be washed before and after each consumer service. K.A.R. 28-24-2 Bar soap should be avoided, as it is more likely to become contaminated with bacteria.
7. Pedicure spas/basins must be disinfected prior to each consumer service. This includes cleaning the surfaces and walls of the equipment and circulating bleach or an EPA-registered disinfectant with bactericidal, fungicidal, virucidal, and tuberculocidal activity through the equipment for 10 minutes. Drain and rinse. K.A.R. 28-24-9
8. The screen/filter on each pedicure spa/basin must be cleaned and disinfected daily. K.A.R. 28-24-9
9. Razor type callus removers, shavers, nail dusters, neck dusters and MMA (methyl methacrylate) are prohibited from use in a KBOC licensed facility.
10. Cosmetic tattoo (permanent make-up) services may only be provided by a KBOC licensed cosmetic tattoo artist or tattoo artist. These services may only be provided in a KBOC licensed facility, which is licensed to provide cosmetic tattoo or tattoo services.



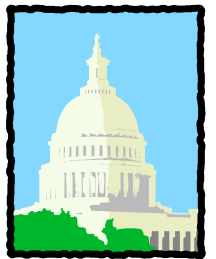
Fish pedicures

You've seen the news articles and viewed the TV clips regarding this pedicure trend, tiny flesh-eating fish nibbling at the calluses on feet. Most states, including Kansas, have deemed this practice is not in compliance with infection control regulations and therefore is not permitted.



Gubernatorial Appointments to the Board

In October 2008 Governor Sebelius appointed two new members to the Board. Darrell Ringler, an Emporia tanning facility owner, was appointed to serve a three year term. His position fulfills the statutory requirement that one Board member include an "owner and licensed operator of a tanning facility."



Jerry Waltrip, Pittsburg, was appointed to serve a three year term effective through June 30, 2011. Mr. Waltrip represents one of the two general public interest appointments to the Board.

The Governor reappointed Douglas R. (Randy) Rushing to a three year term. Mr. Rushing serves as one of three members who represent the cosmetology professions.

A note of appreciation is sent to Mr. B. J. Werne, Wichita and Ms. Tracy Stark, Pratt, immediate past Board members. Mr. Werne served for nine years, two years as Chair. Ms. Stark served two three year-terms. To each of them we extend our thanks for their commitment to serve the consuming public and KBOC licensees.

Practitioner renewal notices

Effective with the practitioner renewals which expire August 31, 2009, the Board will no longer include the law booklet with the renewal notice. Practitioner renewal notices will continue to include the renewal exam, which must be successfully completed for licensure renewal.

Therefore, you will want to access the statutes and rules and regulations available on the Board website to complete your renewal exam.

Due to budget constraints, the Board initiated a legislative change whereby it would no longer be necessary to include the law booklet with the practitioner renewal notices. This was necessary due to increased printing costs and postal expense. This revised legislation will be a \$15,000 yearly savings for the Board.

Esthetics curriculum

Effective July 1, 2009, individuals seeking Kansas esthetics licensure will be required to attain 1,000 hours of instructional training. This legislative revision was sought due to the expanding skin care field and also because many newly licensed practitioners believed they needed additional training hours before entering the professional workforce.

Therefore any esthetics student beginning instructional training on or after July 1, 2009 will be required to attain 1,000 hours for licensure. Those individuals currently licensed in another state but wishing to be licensed in Kansas will be required to have 1,000 hours of esthetics training or they must successfully complete the esthetics licensure exams.

Your efforts to assist the Board in cost savings

The Board incurs unnecessary postal expense when practitioners fail to notify the Board of their change of address. Your oversight is costly to the Board which increases the Board's operational expenses, resulting in possible licensure fee increases.

To maintain the most accurate mailing address in your licensure file, submit the Change of Address form, available at the Board website.

Your attention to this detail may also prevent you from failing to timely renew your license. Delinquent fees and fines are an expense you want to avoid. The Board thanks you for assisting in its cost saving efforts.

Licensure fees increased

In over eleven years, neither practitioners nor facility licensees have experienced an increase in KBOC licensure fees. However just as practitioners and facility owners have experienced increased operating expense, the Board has also had increased operational expenses. Therefore it was necessary to increase the following fees in April of this year.

- Esthetics initial licensure fee - \$45
- Esthetics practitioner licensure renewal fee - \$45
- Nail technology initial licensure fee - \$45
- Nail technology renewal licensure fee - \$45
- Electrology initial licensure fee - \$45
- Electrology renewal licensure fee - \$45
- Cosmetic technician renewal licensure fee - \$45
- Annual facility renewal fees - \$50

The above listed practitioner fees now equal the fees for cosmetology licensure. Be assured the Board will continue its effort to be cost-effective in the administration of the licensure and enforcement programs.

Money saving tips for licensees

The most prudent money saving tip for KBOC licensees is to renew your practitioner or facility license prior to the expiration date of the license. Failure to do so may be costly as outlined below:

- Practitioner delinquent renewal fee is \$70. This includes the \$45 renewal fee and \$25 delinquent fee.
- Practitioner reinstatement fee is \$170. Reinstatement is required of those practitioners whose license has expired six months or more. You are required to pay the renewal fee, the delinquent fee and the \$100 penalty fee.
- Providing consumer services with an expired practitioner license subjects the practitioner to a monetary fine ranging from \$250 to \$1,000.
- Facility delinquent renewal is \$80. This includes the annual \$50 fee and the \$30 delinquent fee.
- Failure to renew the facility license prior to August 29, 2009 requires you close the facility. This inconveniences consumers and practitioners.
- Failure to maintain a current facility license subjects each practitioner and the facility owner to monetary fines ranging from \$250 to \$1,000 should consumer services be provided in an unlicensed facility.



Violations resulting in fines and legal action

Establishments that have licensure law violations or have a history of excessive infection control violations are subject to disciplinary action. This may entail assessing a fine (“not to exceed a \$1,000 per violation”) or conditioning, limiting, or revoking a practitioner or facility license. The Board may also refuse to issue, renew or suspend a license.



Don’t put your licensure in jeopardy by failing to follow the laws and regulations. If you are uncertain about a law or regulation call or email the Board office.

Complaints filed with the Board in 2008: 312

Legal cases filed by the Board in 2008: 283

Conditional salons in 2008: 34

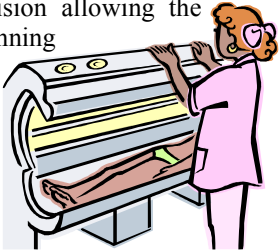
Licenses revoked in 2008: 15

Total revenue collected for fines in 2008: \$85, 000

It is required that all fine revenue be forwarded to the state general fund. No fine monies may be retained by the Kansas Board of Cosmetology.

Tanning fines

As you know the Board’s regulatory authority is to ensure the health and safety of the consuming public. Therefore due to repetitive violation of the law which requires a trained tanning facility operator be present at all times a facility is in operation, the Board sought a law revision allowing the Board to more effectively enforce the tanning laws.



Therefore in July 2008 law was enacted which permits the Board to assess fines for violation of law in addition to other disciplinary actions such as denial of a license, refusal to renew, revoke, or suspend a facility license.

As a result of this statutory revision, from August 2008 through May 2009 disciplinary action was taken involving:

20 facilities being assessed over \$11,000 in fines.

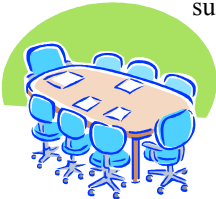
In determining the amount of the fine the Board must consider the following factors: (1) willfulness of the violation, (2) repetitions of the violations; and (3) risk of harm to the public. For failure to comply with tanning laws a \$1,000 fine per violation may be assessed.

Interested in being appointed to the Board?

The Board’s regulatory responsibility is to protect the health and safety of the consuming public and promote standards of professional practice. Members are appointed by the Governor for a three year term. The Board membership consists of:

- Two members who represent the general public;
- Three members who are licensed in the cosmetology professions (cosmetologist, nail technician, esthetician, electrologist):
- One member licensed as a cosmetic tattoo artist (permanent cosmetics artist), tattoo artist or body piercer:
- One member who is an owner and licensed operator of a tanning facility; and
- One member who is associated with the “day-to-day operation” of a licensed cosmetology school.

Should you be interested in serving as a Board member, please submit a cover letter and resume to:



Director of Appointments
Office of the Governor
State Capitol, 300 SW 10th Avenue
Topeka, KS 66612-1590

Kansas Dental Board reviews teeth whitening

The Kansas Dental Board has initially concluded that teeth whitening is a dental procedure and should only be performed by a licensed dentist or provided under close supervision of a licensed dentist. Therefore, the Dental Board has drafted a teeth whitening regulation.

A public hearing will take place on July 24, 2009, regarding this draft regulation. All interested parties will be given a reasonable opportunity to present their views orally on the amendment of the regulation during the hearing.

A summary of the proposed regulation, K.A.R. 71-11-1 can be located at the Kansas Dental Board’s website: www.kansas.govkdb.

Should this regulation be enacted, those salons or tanning facilities which offer teeth whitening services may be subject to legal action by the Kansas Dental Board.

Board Staff:

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Mary Lou Cheray
Lisa Florez

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Secretary to the Board
Individual Licensure Renewal
Accounting/Budgeting
Facility Licensure
Practitioner Licensure & Exams
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*Licensed Cosmetologists

Sue Madl*
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Please reproduce and distribute this newsletter as you wish. We encourage salon owners to post the newsletter so other practitioners may review the information contained in this issue.

To find back issues of the newsletter visit our website at: <http://www.kansas.gov/kboc> and click on the Annual Newsletters link.

